

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DALLAS RAY DELAY,

Plaintiff,

v.

GEORGE LOMBARDI, et al.,

Defendants.

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No. 4:15CV878 JCH

MEMORANDUM AND ORDER

Plaintiff brought this action under 42 U.S.C. § 1983 alleging that the diet at Potosi Correctional Center is not providing enough Vitamin B12. On June 9, 2015, the Court found that the complaint failed to state a claim upon which relief can be granted, and the Court ordered plaintiff to submit an amended complaint no later than July 9, 2015. Plaintiff asked for an extension, and the Court ordered him to submit his amended complaint no later than July 20, 2015. As of this date, plaintiff has not submitted an amended complaint or a motion for extension of time. As a result, this action is dismissed for failure to prosecute. Fed. R. Civ. P. 41(b).

Accordingly,

IT IS HEREBY ORDERED that this action is **DISMISSED** without prejudice.

An Order of Dismissal will be filed separately.

Dated this 3rd day of August, 2015.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE